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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,610	05/31/2000	Arnold P. Nerenberg	NERE-2842	2861

5409 7590 09/23/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/23/2004

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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See Attached Notice

  
Sam Rimell  
Primary Examiner  
Art Unit: 2175

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Art Unit: 2175

The appeal brief submitted May 24, 2004 is defective because it does not comply with 37 CFR 1.192 (c) (7).

Appellant's brief presents three groupings of the claims, based on three issues for consideration.

However, 37 CFR 1.192 (c)(7) specifies that groupings are to be suggested for each rejection. Since there are only two rejections, the brief should have only two suggested groupings of claims, not three. For example, the table on page 5 could acceptably be one grouping for the rejection under 35 USC 102(b), and claims 9-10 could be the grouping for the rejection under 35 USC 103. There should not be any further groupings since there are no further rejections.

To avoid dismissal of the appeal, appellant must provide a revised appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
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